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Rear Admiral Charles H. Stockton, District of Columbia.

Charles B. Warren, Esq., Michigan.

Hon. John Sharp Williams, Mississippi.

Prof. Theodore S. Woolsey, Connecticut.

For member of the Executive Council to serve until 1913, to fill vacancy caused by election of Hon. James B. Angell to vice-presidency:

Prof. William R. Manning, Texas.

(The nominations above made were duly seconded.)

Mr. AYMAR. I move that the Secretary be directed to cast a single ballot for the members that have been proposed by the Chairman of the Nominating Committee as the officers of this Society.

(The motion was seconded and carried.)

Mr. SCOTT. The Secretary has cast the ballot in favor of all of the nominations reported by the Committee on Nominations, with the result that each one of the gentlemen has been elected for the respective position for which he was proposed.

The CHAIRMAN. There will be a meeting of the Executive Council at the end of this morning's session.

REPORT OF COMMITTEE ON CODIFICATION

We will now continue the program. The next business in order is the consideration of the report of the Committee on Codification.

Mr. SCOTT. Mr. Chairman, I should like to call to the attention of the Society the action of the Committee on Codification which was had yesterday.

At a meeting of the Committee on Codification, the President of the Society, Mr. Lansing, and the Secretary were appointed a committee to consider and outline the action to be taken by the Committee on Codification, to appoint additional members to the committee, and to assign portions of the work to various members of the Society in the matter of the codification which the Society has seriously taken

up. And it is the hope of the committee and its members that at the next meeting of the Society a valuable report shall be presented, with preliminary matter, and possibly some specimens of codification of certain matters which seem peculiarly susceptible of codification, and for which the present time seems peculiarly appropriate and right.

(As a preliminary to the work of the Committee on Codification, a number of members had been requested to prepare papers on the "Primary Sources of International Obligations," the "Relative Value of Authorities," and the "Plan of Codification" as recommended in the Preliminary Report of the Committee submitted to the last annual meeting.* As the result, the following papers were submitted to the Society on each of these subjects, respectively):

ADDRESS OF PROFESSOR LAWRENCE B. EVANS, OF TUFTS COLLEGE,
ON

The Primary Sources of International Obligations.

"Law," says Justice Holmes, "being a practical thing, must found itself on actual forces."¹

Of no other branch of jurisprudence is this so true as it is of international law. Of no other branch of the law can it be said that the controversy has invariably preceded the rule. It alone has never suffered from the vagaries of legislators. It has never been enacted in view of imaginary situations which might never occur, but is always the product of situations that have occurred again and again. It is the result of the experience of humanity in its attempt to administer a political society made up of independent states.

If, therefore, it be founded on actual forces, it is pertinent to inquire as to what those forces are. Upon what considerations is the system based, and how have the nations who observe it determined what its content is to be?

First of all we must clearly distinguish between the reasons for the

* Printed in Proceedings for 1910, p. 197.

¹ Holmes, *The Common Law*, 213.